

Historic, Archive Document

Do not assume content reflects current scientific
knowledge, policies, or practices

UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF PLANT INDUSTRY

APR 2 1935

U. S. Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 20

PROSECUTIONS UNDER THE INTERSTATE CLAUSE (SEC. 6) OF THE FEDERAL SEED ACT

(July 1, 1934, to Dec. 31, 1934; 40-69)

40. Misbranding of a mixture of alsike and red clover seed. U. S. v. Louisville Seed Co. Plea of guilty. Fine, \$200. (F. S. 49.)

Louisville Seed Co., Louisville, Ky., shipped on February 27, 1932, from Louisville, Ky., to Pulaski, Va., 2 bags (321 pounds) of a mixture of alsike and red clover seed.

On May 9, 1932, information was filed in the United States District Court for the Western District of Kentucky alleging that the Louisville Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
	Percent	Percent
Alsike.....	79	51.85
Red clover.....	16	22.08
Weed content.....	3	11.50

On October 9, 1934, the case was terminated upon a plea of guilty and the assessment of a fine of \$200.

41. Misbranding of redtop seed. U. S. v. National Seed Co., Louisville, Ky. Plea of guilty. Fine, \$200. (F. S. 60.)

National Seed Co., Louisville, Ky., shipped on July 2, 1932, from Louisville, Ky., to Christiansburg, Va., 1 bag (114 pounds) of redtop seed.

On December 15, 1932, information was filed in the United States District Court for the Western District of Kentucky alleging that the National Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
	Percent	Percent
Pure seed.....	80	47.58

On October 9, 1934, the case was terminated upon a plea of guilty and the assessment of a fine of \$200.

42. Misbranding of rye seed. U. S. v. L. P. Cook. Plea of nolo contendere. Fine, \$200. (F. S. 93.)

L. P. Cook, Memphis, Tenn., shipped on September 9, 1932, from Memphis, Tenn., to Pell City, Ala., 4 bags (10 bushels) of rye seed.

On March 9, 1934, information was filed in the United States District Court for the Western District of Tennessee alleging that L. P. Cook unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Variety.....	(1)	(2)
Germination.....percent.....	91	57.75

¹ Abruzzi rye.² Mixture of Abruzzi rye and rye of another variety.

On November 28, 1934, the case was terminated upon a plea of nolo contendere and the assessment of a fine of \$200.

43. Misbranding of ryegrass seed. U. S. v. 240 pounds of ryegrass seed. Seed seized, relabeled, and sold. (F. S. 94.)

O. M. Scott & Sons Co., Marysville, Ohio, shipped on August 24, 1933, from Marysville, Ohio, to Bad Axe, Mich., 4 bags (500 pounds) of ryegrass seed.

A libel was filed in the United States District Court for the Eastern District of Michigan praying seizure of 240 pounds of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Variety.....	(1)	(2)

¹ Pacey's.² Italian or Western.

On June 15, 1934, no claimant having appeared, the seed was ordered to be relabeled, "Western grown ryegrass seed", and sold.

44. Misbranding of seed of red clover, alfalfa, sweetclover, lespedeza, alsike clover, and mixtures of clovers and timothy. U. S. v. Bruns Seed Store. Seventeen counts. Pleas of guilty. Fine, \$200. (F. S. 97.)

Count 1

Bruns Seed Store, Davenport, Iowa, shipped on March 3, 1933, from Davenport, Iowa, to Sterling, Ill., 2 bags (120 pounds) of red clover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.40	93.9
Inert matter.....	.48	1.8
Weed seed.....	.42	4.3

Count 2

Bruns Seed Store, Davenport, Iowa, shipped on March 14, 1933, from Davenport, Iowa, to Keithsburg, Ill., 1 bag (60 pounds) of alfalfa seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
	(1)	(2)
Where grown.....	98.25	92.6
Purity, including crop seed.....	.60	2.4
Inert matter.....	.48	5.0
Weed seed.....	90.00	47.0
Germination, including hard seed.....		

¹ Minnesota, Dakota, Montana, and Idaho.² Not in Minnesota, the Dakotas, Montana, or Idaho.

Count 3

Bruns Seed Store, Davenport, Iowa, shipped on March 14, 1933, from Davenport, Iowa, to Keithsburg, Ill., 1 bag (30 pounds) of sweetclover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	99.00	97.4
Inert matter.....	.31	1.2
Weed seed.....	.34	1.4
Germination, including hard seed.....	94.00	56.0

Count 4

Bruns Seed Store, Davenport, Iowa, shipped on March 29, 1933, from Davenport, Iowa, to Aledo, Ill., 1 bag (1 bushel) of alfalfa seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Where grown.....	⁽¹⁾	⁽²⁾
Purity, including crop seed.....	98.00	95.2
Inert matter.....	.49	1.4
Weed seed.....	.42	3.4
Germination, including hard seed.....	94.00	68.0

¹ Minnesota.² Not in Minnesota.

Count 5

Bruns Seed Store, Davenport, Iowa, shipped on April 6, 1933, from Davenport, Iowa, to Galt, Ill., 2 bags (100 pounds) of a mixture of clover and timothy seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.80	89.5
Inert matter.....	.46	4.0
Weed seed.....	.44	6.5
Germination, including hard seed.....	94.00	64.0

Count 6

Bruns Seed Store, Davenport, Iowa, shipped on April 6, 1933, from Davenport, Iowa, to Geneseo, Ill., 1 bag (60 pounds) of alfalfa seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Where grown.....	⁽¹⁾	⁽²⁾
Purity, including crop seed.....	97.80	94.6
Inert matter.....	.57	2.0
Weed seed.....	.48	3.4
Germination, including hard seed.....	89.00	62.0

¹ Minnesota.² Not in Minnesota.

Count 7

Bruns Seed Store, Davenport, Iowa, shipped on April 6, 1933, from Davenport, Iowa, to Morrison, Ill., 5 bags (125 pounds) of Korean lespedeza seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.00	93.20
Inert matter.....	.55	2.40
Weed seed.....	.45	4.40
Germination, including hard seed.....	93.00	71.64

Count 8

Bruns Seed Store, Davenport, Iowa, shipped on April 6, 1933, from Davenport, Iowa, to Morrison, Ill., 1 bag (120 pounds) of alsike clover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.60	92.0
Inert matter.....	.38	2.5
Weed seed.....	.45	5.5
Germination, including hard seed.....	94.00	77.0

Count 9

Bruns Seed Store, Davenport, Iowa, shipped on April 6, 1933, from Davenport, Iowa, to Morrison, Ill., 1 bag (60 pounds) of alfalfa seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Where grown.....	⁽¹⁾	⁽²⁾
Purity, including crop seed.....	98.00	96.8
Inert matter.....	.49	2.3
Weed seed.....	.42	.9
Germination, including hard seed.....	94.00	64.0

¹ Minnesota.² Not in Minnesota.

Count 10

Bruns Seed Store, Davenport, Iowa, shipped on April 7, 1933, from Davenport, Iowa, to Tampico, Ill., 1 bag (45 pounds) of a mixture of red clover, alsike, and timothy seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.85	95.5
Inert matter.....	.49	1.5
Weed seed.....	.42	3.0

Count 11

Bruns Seed Store, Davenport, Iowa, shipped on April 7, 1933, from Davenport, Iowa, to Tampico, Ill., 2 bags (210 pounds) of sweetclover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination, including hard seed.....	93	50

Count 12

Bruns Seed Store, Davenport, Iowa, shipped on April 7, 1933, from Davenport, Iowa, to Tampico, Ill., 1 bag (25 pounds) of Korean lespedeza seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.00	92.00
Inert matter.....	.55	2.50
Weed seed.....	.45	5.50
Germination, including hard seed.....	93.00	69.92

Count 13

Bruns Seed Store, Davenport, Iowa, shipped on April 7, 1933, from Davenport, Iowa, to Rock Falls, Ill., 1 bag (50 pounds) of Korean lespedeza.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.00	90.5
Inert matter.....	.55	4.0
Weed seed.....	.45	5.5
Germination, including hard seed.....	93.00	68.7
Hard seed.....	6.00	36.8

Count 14

Bruns Seed Store, Davenport, Iowa, shipped on April 10, 1933, from Davenport, Iowa, to Sterling, Ill., 2 bags (90 pounds) of a mixture of red clover and alsike clover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.00	84.5
Inert matter.....	.40	3.5
Weed seed.....	.45	12.0

Count 15

Bruns Seed Store, Davenport, Iowa, shipped on April 13, 1933, from Davenport, Iowa, to Sterling, Ill., 2 bags (90 pounds) of a mixture of alsike clover and timothy seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.40	96.00
Inert matter.....	.51	2.00
Weed seed.....	.46	2.00
Germination, including hard seed.....	93.00	50.99

Count 16

Bruns Seed Store, Davenport, Iowa, shipped on April 13, 1933, from Davenport, Iowa, to Dixon, Ill., 2 bags (75 pounds) of alfalfa seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Where grown.....	(1)	(2)
Purity, including crop seed.....	98.75	96.0
Inert matter.....	.40	2.6
Weed seed.....	.38	1.4
Germination, including hard seed.....	95.00	67.0

¹ Minnesota.² Not in Minnesota.

Count 17

Bruns Seed Store, Davenport, Iowa, shipped on April 17, 1933, from Davenport, Iowa, to Milan, Ill., 1 bag (60 pounds) of a mixture of red clover and alsike clover seed.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity, including crop seed.....	98.00	90.5
Inert matter.....	.40	5.5
Weed seed.....	.45	4.0
Germination, including hard seed.....	94.00	52.5

On April 5, 1934, information was filed in the United States District Court for the Southern District of Iowa alleging that the Bruns Seed Store, a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipments, misbranded in violation of the Federal Seed Act.

The case was terminated at Keokuk, Iowa, during the November 1934 term of court, with pleas of guilty in all 17 counts and the assessment of a fine of \$200 and costs.

45. Misbranding of oat seed. U. S. v. 32 bags of oat seed. Seed seized and disposed of to a charitable institution for feed. (F. S. 99.)

L. P. Cook, Memphis, Tenn., shipped on January 6, 1934, from Memphis, Tenn., to Tuscaloosa, Ala., 50 bags (250 bushels) of oat seed.

On March 21, 1934, a libel was filed in the United States District Court praying seizure of 32 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Purity.....	97.00	92.5
Other crop.....	.01	4.7
Noxious weed seed.....	None	¹ 27

¹ Quackgrass seeds per pound.

On July 12, 1934, the court ordered the oats to be delivered to a charitable institution in Tuscaloosa County, Ala., for use as feed and not for seed purposes.

46. Misbranding of rye seed. U. S. v. 4 bags of rye seed. Seed seized and ordered destroyed. (F. S. 100.)

Farmers' Federation, Inc., Asheville, N. C., shipped on September 18, 1933, from Asheville, N. C., to Clanton, Ala., 20 bags (40 bushels) of rye seed.

On April 11, 1934, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 4 bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Noxious weed seeds.....	None	¹ 59

¹ Corncockle seeds per pound.

On August 2, 1934, no claimant having appeared, the court ordered the United States marshal to destroy the seed.

47. Misbranding of oat seed. U. S. v. 90 bags of Texas Red Rust Proof Oats. Seed seized and released under bond. (F. S. 101.)

McGregor Milling & Grain Co., McGregor, Tex., shipped on July 4, 1933, from McGregor, Tex., to Mobile, Ala., 300 bags (1,500 bushels) of oat seed.

On April 10, 1934, a libel was filed in the United States District Court for the Southern District of Alabama praying seizure of 90 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	94	59

On July 21, 1934, the seed was released to claimant, the McGregor Milling & Grain Co., under \$100 bond, conditioned that the oats be ground under direction of the Alabama State Department of Agriculture so that it could not be used for seeding purposes.

48. Misbranding of soybean seed. U. S. v. 9 bags of soybean seed. Seed seized and ordered destroyed. (F. S. 102.)

Corneli Seed Co., St. Louis, Mo., shipped on January 19, 1934, from St. Louis, Mo., to Montgomery, Ala., 10 bags (25 bushels) of soybean seed.

On April 12, 1934, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 9 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	90	54

On August 13, 1934, no claimant having appeared, the seed was ordered destroyed.

49. Misbranding of Sudan grass seed. U. S. v. R. B. Buchanan Seed Co. Plea of nolo contendere. Fine, \$200. (F. S. 105.)

R. B. Buchanan Seed Co., Memphis, Tenn., shipped on July 1, 1933, from Memphis, Tenn., to Rector, Ark., 10 bags (1,000 pounds) of Sudan grass seed.

On May 8, 1934, information was filed in the United States District Court for the Western District of Tennessee alleging that R. B. Buchanan Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Germination.....percent..	88	49
Noxious weed seed.....	None	1 180

¹ Johnson grass seeds per pound.

On December 4, 1934, the case was terminated upon a plea of nolo contendere and the assessment of a fine of \$200.

50. Misbranding of sorghum seed. U. S. v. 9 bags of "Red Top cane seed." Seed seized and ordered destroyed. (F. S. 106.)

Rudy-Patrick Seed Co., Kansas City, Mo., shipped on February 10, 1934, from Kansas City, Mo., to Montgomery, Ala., 300 bags (900 bushels) of sorghum seed.

On April 28, 1934, a libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 9 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 85	Percent 62.5

On August 6, 1934, no claimant having appeared, the seed was ordered destroyed.

51. Misbranding of red clover seed. U. S. v. L. P. Cook. Plea of nolo contendere. Fine, \$200. (F. S. 110.)

L. P. Cook, Memphis, Tenn., shipped on October 7, 1933, from Memphis, Tenn., to Newport, Ark., 4 bags (400 pounds) of red clover seed.

On May 15, 1934, information was filed in the United States District Court for the Western District of Tennessee alleging that L. P. Cook unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 90	Percent 69
Noxious weeds.....	.00	(1)

¹ 5 buck-thorn and 3 dodder seeds to each 5 grams.

On November 28, 1934, the case was terminated with a plea of nolo contendere and the assessment of a fine of \$200.

52. Misbranding of rye seed. U. S. v. Scott County Milling Co. Plea of guilty. Fine, \$200 and costs. (F. S. 111.)

Scott County Milling Co., Sikeston, Mo., shipped on September 25, 1933, from Scott County, Mo., to Paragould, Ark., 10 bags (25 bushels) of rye seed.

On May 16, 1934, information was filed in the United States District Court for the Eastern District of Missouri alleging that the Scott County Milling Co., a corporation, unlawfully transported in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 92	Percent 61.5

On October 8, 1934, the case was terminated upon a plea of guilty. A fine of \$200 and costs was assessed.

53. Misbranding of sorghum seed. U. S. v. Mitchelhill Seed Co. Fine, \$200. (F. S. 112.)

Mitchelhill Seed Co., St. Joseph, Mo., shipped on April 20, 1933, from St. Joseph, Mo., to Nashville, Tenn., 200 bags (30,000 pounds) of sorghum seed.

On May 26, 1934, information was filed in the United States District Court for the Western District of Missouri alleging that the Mitchelhill Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	82	36.5

On September 17, 1934, the defendant entered a plea of guilty and paid a fine of \$200.

54. Misbranding of sorghum seed. U. S. v. John T. Russell and Charles E. Heckle. Plea of nolo contendere. Fine, \$200. (F. S. 113.)

Russell-Heckle Seed Co., Memphis, Tenn., shipped on August 1, 1933, from Memphis, Tenn., to Osceola, Ark., 5 bags (750 pounds) of sorghum seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that John T. Russell and Charles E. Heckle, copartners, trading under the name of Russell-Heckle Seed Co., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	85	60

On November 28, 1934, the case was terminated upon the entering of a plea of nolo contendere and the assessment of a fine of \$200.

55. Misbranding of timothy and alsike seed. U. S. v. 6 bushels of timothy and alsike mixed seed. Seed seized and ordered released under bond. (F. S. 114.)

Whitney Eckstein Seed Co., Buffalo, N. Y., shipped on February 9, 1934, from Buffalo, N. Y., to Berea, Ohio, 2 bags (6 bushels) of a mixture of timothy and alsike seed.

On May 17, 1934, a libel was filed in the United States District Court for the Northern District of Ohio praying seizure of 6 bushels of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Timothy.....	75.45	84.25
Alsike.....	24.28	12.50

On August 13, 1934, the seed was released to claimant, the Whitney Eckstein Seed Co., under \$100 bond, conditioned that the seed be properly relabeled under supervision of the Ohio State Department of Agriculture.

56. Misbranding of rye seed. U. S. v. 43 bags of winter rye seed. Seed seized and ordered destroyed. (F. S. 115.)

Charles D. Jones Co., Nashville, Tenn., shipped on September 5, 1933, from Nashville, Tenn., to Birmingham, Ala., 80 bags (200 bushels) of rye seed.

On June 5, 1934, a libel was filed in the United States District Court praying seizure of 43 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Germination.....percent..	70	50.5
Noxious weed seeds.....	None	¹ 50

¹ Quackgrass seeds per pound.

On July 6, 1934, no claimant having appeared, the seed was ordered destroyed.

57. Misbranding of seed corn. U. S. v. 4 bags of seed corn. Seed seized and ordered destroyed. (F. S. 116.)

Scott County Milling Co., Sikeston, Mo., shipped on January 24, 1934, from Sikeston, Mo., to Montgomery, Ala., 10 bags (1,400 pounds) of seed corn.

A libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 4 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 95	Percent 57

On August 6, 1934, no claimant having appeared, the seed was ordered destroyed.

58. Misbranding of soybean seed. U. S. v. 5 bushels of soybean seed. Seed seized and ordered destroyed. (F. S. 117.)

W. P. Bell & Co., Nashville, Tenn., shipped on March 23, 1934, from Nashville, Tenn., to Roanoke, Ala., 10 bags (1,200 pounds) of soybean seed.

A libel was filed in the United States District Court for the Middle District of Alabama praying seizure of 5 bushels of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 90	Percent 34

On August 13, 1934, no claimant having appeared, the seed was ordered destroyed.

59. Misbranding of rye seed. U. S. v. 8 $\frac{3}{4}$ bushels of rye seed. Seed seized and ordered destroyed or disposed of to a charitable institution for feed. (F. S. 118.)

Athens Seed Co., Athens, Ga., shipped on September 14, 1933, from Cornelia, Ga., to Bessemer, Ala., 4 bags (10 bushels) of rye seed.

On June 28, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 8 $\frac{3}{4}$ bushels of rye seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	Percent (¹)	Percent (²)
Variety.....		
Purity.....	98	94.74
Weed seeds.....		4.10

¹ Abruzzi.

² Other than Abruzzi.

On July 28, 1934, no claimant having appeared, the seed was ordered destroyed or disposed of to a charitable institution for feed purposes only.

60. Misbranding of sorghum seed. U. S. v. 4 bags of sorghum seed. Seed seized and ordered destroyed. (F. S. 119.)

L. P. Cook, Memphis, Tenn., shipped on March 17, 1934, from Memphis, Tenn., to Selma, Ala., 6 bags (900 pounds) of sorghum seed.

On July 23, 1934, a libel was filed in the United States District Court praying seizure of 4 bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	Percent	Percent
Purity.....	97.00	87.4
Germination.....	80.00	61.0
Inert matter.....	.01	11.3

On November 2, 1934, no claimant having appeared, the seed was ordered destroyed.

61. Misbranding of rye seed. U. S. v. Fidelity Storage & Elevator Co. Plea of guilty. Fine, \$200. (F. S. 121.)

Fidelity Storage & Elevator Co., Memphis, Tenn., shipped on August 31, 1933, from Memphis, Tenn., to Montgomery, Ala., 20 bags (50 bushels) of rye seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that the Fidelity Storage & Elevator Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
	(¹)	(²)
Kind of seed.....		
Germination.....percent..	79	234

¹ "Southern Rye."

² Not suitable for southern conditions.

On November 22, 1934, the case was terminated upon a plea of guilty and the assessment of a fine of \$200.

62. Misbranding of rye seed. U. S. v. L. P. Cook. Plea of nolo contendere. Fine, \$200. (F. S. 132.)

L. P. Cook, Memphis, Tenn., shipped on October 5, 1933, from Memphis, Tenn., to Montgomery, Ala., 100 bags (250 bushels) of rye seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that L. P. Cook unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Germination.....	Percent 82	Percent 43

On November 28, 1934, the case was terminated upon a plea of nolo contendere and the assessment of a fine of \$200.

63. Misbranding of barley seed. U. S. v. 4 bags of barley seed. Seed seized and condemned. (F. S. 134.)

Fidelity Seed Co., Memphis, Tenn., shipped on August 27, 1934, from Memphis, Tenn., to Little Rock, Ark., 4 bags (10 bushels) of barley seed.

On September 14, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Noxious weed seeds.....	0	(1)

¹ Cheat in excess of 200 seeds to 50 grams.

On December 14, 1934, the case was terminated upon the entering of an order of condemnation.

64. Misbranding of oat seed. U. S. v. 350 bags of oats. Seed seized and released under bond. (F. S. 138.)

L. P. Cook, Memphis, Tenn., shipped on September 3, 1934, from Memphis, Tenn., to Little Rock, Ark., 350 bags (1,750 bushels) of oat seed.

On September 19, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Noxious weed seeds.....	0.00	(1)

¹ Cheat at the rate of 164 seeds per pound.

On September 27, 1934, the seed was released to claimant, L. P. Cook, under \$1,000 bond, conditioned that the seed be properly relabeled.

65. Misbranding of seed wheat. U. S. v. 400 bags of wheat. Seed seized and released under bond. (F. S. 139.)

L. P. Cook, Memphis, Tenn., shipped on September 4, 1934, from Memphis, Tenn., to Little Rock, Ark., 400 bags (1,000 bushels) of seed wheat.

On September 19, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Noxious weeds per pound of pure seed.....	¹ 32	² 67

¹ Corncockle.

² Cheat.

On September 27, 1934, the seed was released to claimant, L. P. Cook, under \$1,000 bond, conditioned that the seed be properly relabeled.

66. Misbranding of rye seed. U. S. v. 400 bags of rye. Seed seized and released under bond. (F. S. 140.)

L. P. Cook, Memphis, Tenn., shipped on September 3, 1934, from Memphis, Tenn., to Little Rock, Ark., 400 bags (1,000 bushels) of rye seed.

On September 19, 1934, a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Noxious weeds per pound of pure seed.....	None	¹ 140

¹ Cheat.

On September 27, 1934, the seed was released to claimant, L. P. Cook, under \$1,000 bond, conditioned that the seed be properly relabeled.

67. Misbranding of oat seed. U. S. v. 200 bushels of oats. Seed seized and ordered destroyed or disposed of to a charitable institution for feed. (F. S. 142.)

E. K. Hardison Seed Co., Nashville, Tenn., shipped on August 30, 1934, from Nashville, Tenn., to Huntsville, Ala., 40 bags (200 bushels) of oat seed.

On October 24, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
Weed seeds.....percent.....	²	14.05
Noxious weeds per pound of pure seed.....	None	(¹)

¹ Wild garlic, 27; corncockle, 9.

On November 26, 1934, no claimant having appeared, the seed was ordered destroyed or disposed of to a charitable institution for feed purposes only, and not for sale.

68. Misbranding of crimson clover seed. U. S. v. 3,000 pounds of crimson clover seed. Seed seized and ordered destroyed or disposed of to a charitable institution for feed purposes only. (F. S. 143.)

A. N. Levin, Chattanooga, Tenn., shipped on July 27 and August 7, 1934, from Chattanooga, Tenn., to Fort Payne, Ala., 24 bags (3,000 pounds) of crimson clover seed.

On October 26, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of the above-mentioned shipment alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	95	56.0
Hard seed.....		3.5

On November 26, 1934, no claimant having appeared, the seed was ordered destroyed or disposed of to a charitable institution for feed purposes only, and not for sale.

69. Misbranding of Sudan grass seed. U. S. v. 29 bags of Sudan grass seed. Seed seized and ordered destroyed. (F. S. 145.)

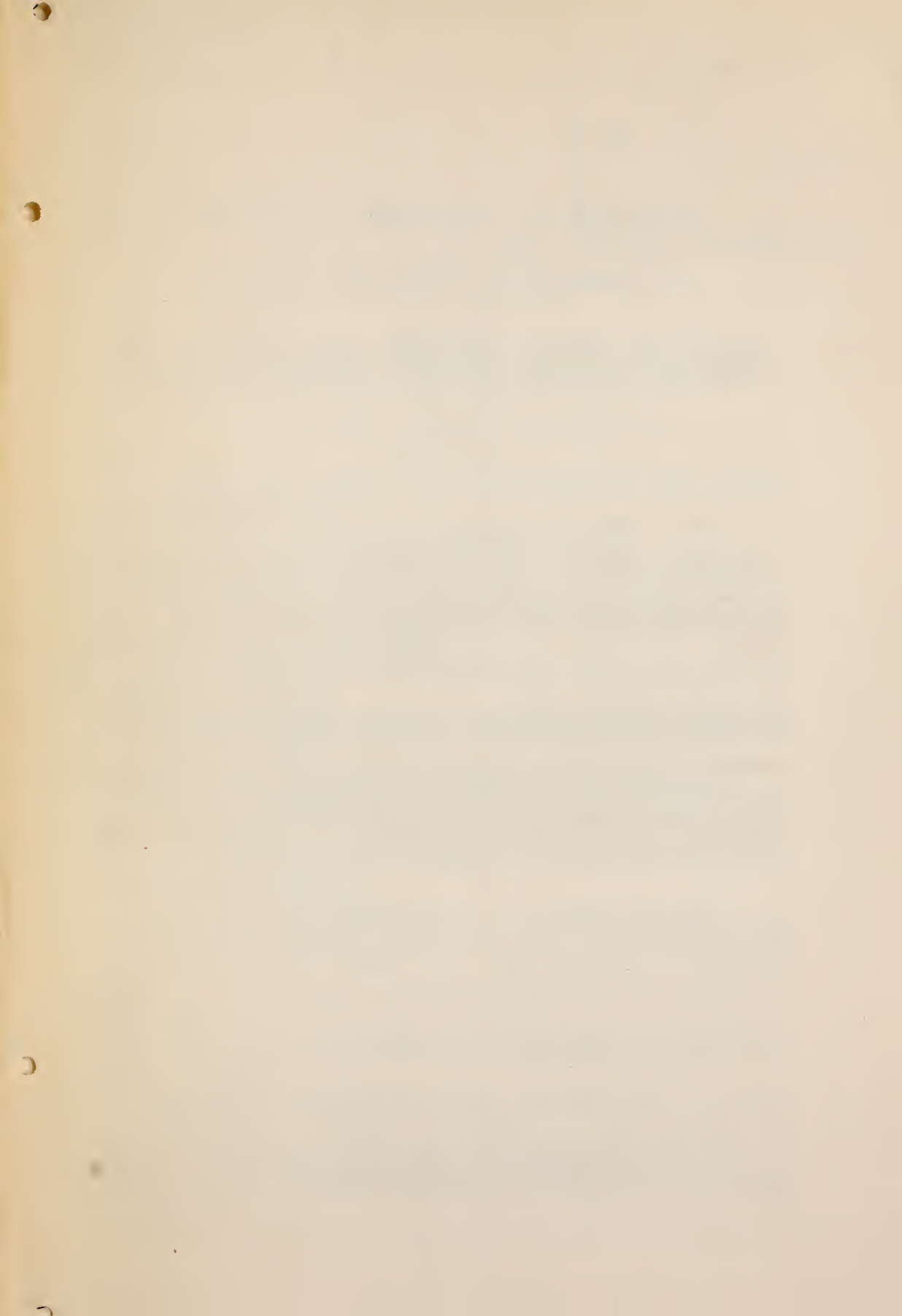
Mitchelhill Seed Co., St. Joseph, Mo., shipped on April 10, 1934, from St. Joseph, Mo., to Birmingham, Ala., 225 bags (22,500 pounds) of Sudan grass seed.

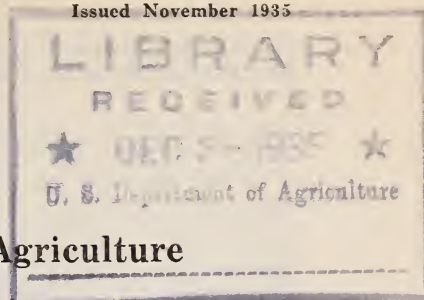
On November 7, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 29 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The remaining 24½ bags of the seed were seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Germination.....	84	38

On December 12, 1934, no claimant having appeared, the seed was ordered destroyed.





United States Department of Agriculture

BUREAU OF PLANT INDUSTRY

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 21

PROSECUTIONS AND SEIZURES UNDER THE INTER- STATE CLAUSE (SEC. 6) OF THE FEDERAL SEED ACT

(Jan. 1, 1935, to June 30, 1935; 70-90)

70. Misbranding of rye seed. U. S. v. Carter-Venable Co. Plea of guilty. Fine, \$25. (F. S. 57.)

Carter-Venable Co., Richmond, Va., shipped on November 22, 1931, from Richmond, Va., to Jasper, Ala., 4 bags (8 bushels) of rye seed.

On September 13, 1932, information was filed in the United States District Court for the Eastern District of Virginia alleging that the Carter-Venable Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 90", whereas in fact the germination was "not greater than 48%."

On October 9, 1934, the case was terminated upon a plea of guilty and the assessment of a fine of \$25.

71. Misbranding of lespedeza seed. U. S. v. Sidney J. Weber. Plea of nolo contendere. Sentence suspended; defendant placed on probation for 1 year. (F. S. 85.)

Sidney J. Weber, Baton Rouge, La., shipped on January 3, 1933, from Baton Rouge, La., to Montgomery, Ala., 5 bags (20 bushels) of lespedeza seed.

On August 28, 1933, information was filed in the United States District Court for the Eastern District of Louisiana, alleging that Sidney J. Weber unlawfully sold and delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act in that it was described as follows:

"1932 Nov. Choice Recleaned.

"New Crop Recleaned Lespedeza Seeds * * * Quality the Best.

"Choice Native Lespedeza Seeds. * * * These are all tested seed that will pass your different state laws for purity and germination and are from the finest meadows South. * * * My seeds are all Government tested. * * *"

whereas the seed was of poor grade and poor quality and had not been Government tested.

On January 10, 1935, the case was terminated upon a plea of nolo contendere, imposition of sentence was suspended, and the defendant was placed on probation for 1 year.

72. Misbranding of red clover seed. U. S. v. Springfield Seed Co. Plea of nolo contendere. Fine, \$25. (F. S. 107.)

Springfield Seed Co., Springfield, Mo., shipped on August 30, 1933, from Springfield, Mo., to Rogers, Ark., 5 bags (820 pounds) of red clover seed.

On July 7, 1934, information was filed in the United States District Court at Kansas City, Mo., alleging that the Springfield Seed Co. unlawfully delivered

for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found
Purity.....	<i>Percent</i> 97.60	<i>Percent</i> 93.75
Weed seeds.....	.72	3.33
Noxious seed in excess of 1 seed to 5 grams.....	(1)	(2)

¹ Buckhorn.

² Buckhorn, sorrel, dock, dodder, and plantain.

The case was terminated on September 29, 1934, upon a plea of nolo contendere and the assessment of a fine of \$25.

73. Misbranding of sweetclover seed. U. S. v. American Field Seed Co. Plea of guilty. Fine, \$200. (F. S. 120.)

American Field Seed Co., Chicago, Ill., shipped on March 27, 1934, from Chicago, Ill., to Remington, Ind., 2 bags (300 pounds) of sweetclover seed.

Information was filed in the United States District Court for the Northern District of Illinois alleging that the American Field Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act.

Nature of misbranding

Item	Claimed	Found	Item	Claimed	Found
Purity.....	<i>Percent</i> 99.50	<i>Percent</i> 94.32	Weed seeds.....	<i>Percent</i> 0.10	<i>Percent</i> 1.26
Inert matter.....	.30	4.29	Germination.....	92.00	64.00

On December 6, 1934, the case was terminated upon a plea of guilty and the assessment of a fine of \$200.

74. Misbranding of oat seed. U. S. v. 100 bushels of seed oats. Seed seized and disposed of to a charitable institution for feed. (F. S. 122.)

"Sun-Field Seed Service", reported to be a name style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on August 14, 1934, from Clarinda, Iowa, to Salina, Kans.; 40 bags (100 bushels) of so-called "New Victory" oats.

On September 7, 1934, a libel was filed in the United States District Court for the District of Kansas praying seizure of the 100 bushels of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was represented by the salesman as being a winter variety suitable for fall planting in Kansas and the shipment was labeled Iowa grown, whereas it was not a winter variety and not Iowa grown. The remaining 30 bushels were seized by the United States marshal.

On December 31, 1934, a final decree was entered providing for the disposal of the seed to a charitable institution for feed purposes.

75. Misbranding of oat seed. U. S. v. Two and one-half bushels of seed oats. Seed seized and disposed of to a charitable institution for feed. (F. S. 123.)

"Sun-Field Seed Service", reported to be a name style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on August 4, 1934, from Clarinda, Iowa, to Humboldt, Kans., 1 bag (2½ bushels) of so-called "New Victory" oats.

On August 27, 1934, a libel was filed in the United States District Court praying seizure of the 2½ bushels of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was represented as being a winter variety suitable for fall planting in Kansas, whereas it was not a winter variety. The seed was seized by the United States marshal.

On December 3, 1934, a final decree was entered providing for the disposal of the seed to a charitable institution for feed purposes.

76. Misbranding of oat seed. U. S. v. Fifty bushels of so-called "New Victory Oats." Seed seized and disposed of to a charitable institution for feed. (F. S. 124.)

"Sun-Field Seed Service", reported to be a name style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on September 3, 1934, from Clarinda, Iowa, to Baldwin, Kans., 20 bags (50 bushels) of so-called "New Victory" oats.

On September 10, 1934, a libel was filed in the United States District Court praying seizure of the 50 bushels of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was represented orally by the agent of the "Sun-Field Seed Service" as being suitable as a winter variety of oats, whereas it was not suitable as a winter variety in the vicinity of Kansas. The seed was seized by the United States marshal.

On December 3, 1934, a final decree was entered providing for the disposal of the seed to a charitable institution for feed purposes.

77. Misbranding of barley seed. U. S. v. 20 bags of barley seed. Seed seized and released under bond. (F. S. 133.)

L. P. Cook, Memphis, Tenn., shipped on September 5, 1934, from Memphis, Tenn., to Little Rock, Ark., 20 bags of barley seed.

A libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the 20 bags of seed alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Name and No. of Noxious Weeds per pound of pure seed—None", whereas it was found to contain cheat in excess of 100 seeds to 50 grams. The seed was seized by the United States marshal.

On September 25, 1934, after having admitted the allegations in the libel, the seed was ordered released to L. P. Cook under \$250 bond on condition that the seed be relabeled and disposed of in accordance with law and under supervision of the "Department of Agriculture."

78. Misbranding of wheat seed. U. S. v. 110 bags of wheat seed. Seed seized and released under bond. (F. S. 136.)

L. P. Cook, Memphis, Tenn., shipped on September 4, 1934, from Memphis, Tenn., to Little Rock, Ark., 110 bags (275 bushels) of wheat seed.

A libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of the 110 bags of wheat seed, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Name and No. of Noxious Weeds per pound of pure seed. 32 Corn Cockle", whereas it was found to contain cheat at the rate of 234 seeds per pound. The 63 remaining bags were seized by the United States marshal.

On September 25, 1934, after having admitted the allegations of the libel, the seed was ordered released to L. P. Cook under \$500 bond on condition that the seed be relabeled and disposed of in accordance with law and under supervision of the "Department of Agriculture."

79. Misbranding of barley seed. U. S. v. 39 bags of barley seed. Seed seized and released under bond. (F. S. 141.)

L. P. Cook, Memphis, Tenn., shipped on September 8, 1934, from Memphis, Tenn., to Little Rock, Ark., 40 bags (100 bushels) of barley seed.

A libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of 39 bags of the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Name and No. of Noxious Weeds per pound of pure seed. None", whereas it was found to contain cheat at the rate of 1,156 seeds per pound. The remaining 33 bags were seized by the United States marshal.

On September 25, 1934, after having admitted the allegations in the libel, the seed was ordered released to L. P. Cook, under \$250 bond, on condition that the seed be relabeled and disposed of in accordance with law and under supervision of the "Department of Agriculture."

80. Misbranding of vetch seed. U. S. v. 400 bags of vetch seed. Seed seized and released under bond. (F. S. 144.)

Buchanan-Cellers Grain Co., McMinnville, Oreg., shipped on September 26, 1934, from McMinnville, Oreg., to Sacramento, Calif., 400 bags of vetch seed.

On October 29, 1934, a libel was filed in the United States District Court for the Northern District of California praying seizure of the 400 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it

was represented as being "Common vetch." The seed was found to be a mixture containing 11.1 percent of Hungarian vetch. The seed was seized by the United States marshal.

On December 14, 1934, the seed was released to claimant, the consignee, upon payment of the costs and the filing of a bond on condition that the seed should be reconditioned in compliance with the rules and regulations of the Department of Agriculture of the State of California.

81. Misbranding of oat seed. U. S. v. 3 bags of Winter Turf oats and 1 bag Red Rust Proof oats. Seed seized and ordered delivered to a charitable institution for feed. (F. S. 148.)

Fidelity Seed Co., Memphis, Tenn., shipped on August 20, 1934, from Memphis, Tenn., to Birmingham, Ala., 3 bags (480 pounds) of Winter Turf oats; and on August 16, 1934, 1 bag (160 pounds) of Red Rust Proof oats.

On December 24, 1934, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of the 4 bags of seed from the above-mentioned two shipments. The seed was seized by the United States marshal on December 26, 1934.

Nature of misbranding

Item	Claimed	Found	Item	Claimed	Found
Winter Turf:			Red Rust Proof:		
Purity.....	Percent 98	Percent 91.07	Purity.....	Percent 98	Percent 89.12
Weed seeds.....	0	7.63	Weed seeds.....	0	10.67

On January 25, 1935, no claimant having appeared, the court ordered that the seed be delivered to a charitable institution in Jefferson County, Ala., for use as feed and not for sale or planting.

82. Misbranding of soybean seed. U. S. v. Purcell Seed Co., Inc. Plea of guilty. Fine, \$350. (F. S. 152.)

Purcell Seed Co., Inc., Evansville, Ind., shipped on March 27, 1933, from Evansville, Ind., to Rockymount, Va., 40 bags (100 bushels) of soybean seed.

On March 12, 1935, information was filed in the United States District Court for the Southern District of Indiana, alleging that the Purcell Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act in that it was labeled, "Approx. Ger. 90", whereas in fact it germinated approximately 65 percent.

On April 8, 1935, the case was terminated upon a plea of guilty and the assessment of a fine of \$350.

83. Misbranding of wheat and soybean seed. U. S. v. W. P. Bell & Co. Plea of guilty. Fine, \$200. (F. S. 153.)

W. P. Bell & Co., Nashville, Tenn., shipped on September 29, 1933, from Nashville, Tenn., to Talladega, Ala., 8 bags (20 bushels) of seed wheat; and on March 23, 1934, from Nashville, Tenn., to Roanoke, Ala., 10 bags (20 bushels) of soybean seed.

On April 17, 1935, information was filed in the United States District Court for the Middle District of Tennessee alleging that W. P. Bell & Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned two shipments misbranded in violation of the Federal Seed Act. The wheat was labeled, in part, "Noxious Weed Seed None", whereas it was found to contain approximately 59 corncockle seeds per pound. The soybean seed was labeled, in part "Germination 90%", whereas it was found to germinate approximately 37.5 percent.

On May 25, 1935, the case was terminated upon a plea of guilty and the assessment of a fine of \$200.

84. Misbranding of sorghum seed. U. S. v. 1,900 pounds of sorghum seed. Seed seized and released under bond. (F. S. 155.)

Nebraska Seed Co., Omaha, Nebr., shipped on January 30, 1935, from Omaha, Nebr., to Atchison, Kans., 13 bags (1,900 pounds) of sorghum seed.

A libel was filed in the United States District Court for the District of Kansas praying seizure of the 13 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Atlas Sorgo", whereas it was found to be Hegari. The seed was seized by the United States marshal.

On April 6, 1935, the seed was released to claimant, the consignee, under \$200 bond providing for correct labeling as to variety.

85. Misbranding of alsike and white clover seed mixture. U. S. v. 6 bags of alsike and white clover seed mixture. Seed seized and ordered destroyed. (F. S. 161.)

Portland Seed Co., Portland, Oreg., shipped on March 9, 1935, from Portland, Oreg., to Eureka, Calif., 6 bags of alsike and white clover seed mixture.

On April 1, 1935, a libel was filed in the United States District Court for the Northern District of California praying seizure of the 6 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Weed Seed 0.72%", whereas it was found to contain 3.27 percent of weed seeds. The seed was seized by the United States marshal.

On May 25, 1935, the court ordered the seed to be destroyed.

86. Misbranding of ryegrass seed. U. S. v. 6 bags of ryegrass seed. Seed seized and released to shipper to be reconditioned. (F. S. 162.)

Portland Seed Co., Portland, Oreg., shipped on March 9, 1935, from Portland, Oreg., to Eureka, Calif., 6 bags of ryegrass seed.

On April 1, 1935, a libel was filed in the United States District Court for the Northern District of California praying seizure of the 6 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity.....	94.70	92.33
Weed seeds.....	1.01	4.70

On May 25, 1935, the seed was released to the Portland Seed Co., to be reconditioned in compliance with the rules and regulations of the Department of Agriculture of the State of California.

87. Misbranding of alfalfa seed. U. S. v. 4 bags of alfalfa seed. Seed seized and ordered destroyed. (F. S. 166.)

Westland Seed Co., Salt Lake City, Utah, shipped on March 4, 1935, from Salt Lake City, Utah, to Fort Collins, Colo., 4 bags (500 pounds) of alfalfa seed.

On April 15, 1935, a libel was filed in the United States District Court for the District of Colorado praying seizure of the 4 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found	Item	Claimed	Found
Origin.....	(1)	(2)	Noxious weed seeds:		
Purity.....percent..	96	93.35	Dodder per pound.....	None	246
Germination.....do....	84	58.00	Buckhorn per pound.....	None	8

¹ Utah.

² Not wholly of Utah origin.

On June 29, 1935, no claimant having appeared, the seed was ordered destroyed.

88. Misbranding of spinach seed. U. S. v. 10 bags of spinach seed. Seed seized and ordered destroyed. (F. S. 171.)

Charles H. Lilly Co., Seattle, Wash., shipped on August 16, 1934, from Seattle, Wash., to Birmingham, Ala., 20 bags (2,000 pounds) of spinach seed.

On April 23, 1935, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 10 bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act, in that it was labeled, in part, "Germination 90%", whereas it germinated not more than 45.25 percent.

On May 28, 1935, no claimant having appeared, the court ordered destruction of the seed by the United States marshal.

89. Misbranding of sweetclover seed and redtop seed. U. S. v. 1 bag of sweetclover seed and 1 bag of redtop seed. Seed seized and ordered destroyed. (F. S. 174.)

Dobson Hicks Co., Nashville, Tenn., shipped on February 21, 1935, from Nashville, Tenn., to Franklin, Ky., 2 bags (333 pounds) of sweetclover seed and 5 bags (512 pounds) of redtop seed.

A libel was filed in the United States District Court for the Western District of Kentucky praying seizure of 1 bag of sweetclover seed and 1 bag of redtop seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal on May 3, 1935.

Nature of misbranding

Item	Claimed	Found
Sweetclover:	<i>Percent</i>	<i>Percent</i>
Purity.....	99.05	89.83
Redtop:		
Purity.....	94.00	87.07
Germination.....	90.00	56.00

On May 21, 1935, no claimant having appeared, the court ordered the destruction of the seed by the United States marshal.

90. Misbranding of sorghum and lespedeza seed. U. S. v. 1 bag of sorghum seed and 1 bag of lespedeza seed. Seed seized and ordered destroyed. (F. S. 178.)

E. K. Hardison Seed Co., Nashville, Tenn., shipped on March 11, 1935, and March 28, 1935, from Nashville, Tenn., to Birmingham, Ala., 1 bag of sorghum seed and 1 bag of lespedeza seed, respectively.

On May 24, 1935, a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of the 2 bags of seed, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal on May 27, 1935.

Nature of misbranding

Item	Claimed	Found
Sorghum seed:	<i>Percent</i>	<i>Percent</i>
Germination.....	80	24.50
Lespedeza seed:		
Purity.....	98	89.46
Weed seeds.....	1	7.09
Germination.....	90	26.00
Noxious weed seeds per pound of pure seed.....	(1)	(2)

¹ 10 dodder per ounce (160 per pound).

² 718 dodder per pound.

On June 29, 1935, no claimant having appeared, the seed was ordered destroyed.

